

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 80—Solid Waste Management
Chapter 8—[Waste] Scrap Tires

10 CSR 80-8.030 [Waste] Scrap Tire Hauler Permits The department is amending the chapter title, the rule title, the purpose, and sections (1) – (3).

*PURPOSE: This rule sets forth requirements for obtaining a permit as a [waste] **scrap** tire hauler. The department is amending portions of the rule to reflect revised statutory language in Senate Bill 225 to replace references to “waste tire” with the term “scrap tire”. This amendment will also correct typographical errors, grammatical errors, and update materials referenced in the rule.*

(1) Applicability.

(A) Definitions.

1. A [waste] **scrap** tire is a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

A. A tire no longer suitable for its original intended purpose due to wear is a tire with exposed cord or tread depth less than two thirty-seconds inch ($2/32$ "") when measured in any major groove.

B. A tire still mounted on a rim is not a [waste] **scrap** tire, except as described in subparagraph (1)(A)1.C.

C. Any tire that is discarded with the intent of final disposal is also a [waste] **scrap** tire.

D. A cut tire, for the purposes of disposal in a permitted solid waste disposal area, is a [waste] **scrap** tire cut in half circumferentially or cut into at least three (3) parts with no part being larger than approximately one-third ($1/3$) of the original tire's size.

E. A shredded or chipped tire, for the purposes of disposal in a permitted solid waste disposal area, is a [waste] **scrap** tire that has been reduced to parts no larger than that defined in the definition of a cut tire.

F. A passenger tire equivalent (PTE), for the purposes of calculating the amount of tires, equals twenty (20) pounds.

(B) Permit Exemptions. The following persons are not required to obtain a permit to haul [waste] **scrap** tires provided that pollution, a public nuisance or a health hazard is not created:

1. A person who does not haul for consideration or commercial profit;
2. A person hauling warranty tires or new defective tires to the retailer, wholesaler or manufacturer for adjustment credit or return; and
3. A person hauling [waste] **scrap** tires which have been generated at his/her own business or residence, provided that this transportation is done using his/her own employees and vehicles.

(2) [Waste] Scrap Tire Hauler Permit Requirements.

(A) Permit Application. A person applying for a [waste] **scrap** tire hauler permit shall submit [, by certified mail,] the following information to the [Missouri Department of Natural Resources, Solid Waste Management Program, P.O. Box 176, Jefferson City, MO 65102] **Missouri Department of Transportation, Motor Carrier Service, P.O. Box 893, Jefferson City, Missouri 65102-0893**. This information must be submitted [to the department at] least thirty (30) days prior to expiration of the permit.

1. A completed application form provided by the [department] **Missouri Department of Transportation**. [The information submitted shall include the following:]

[A. The name, address and telephone number of the person in whose name the permit is to be issued;

B. The geographic area served by the hauler;

C. The approximate number or weight of waste tires transported per month;

D. The number and type(s) of vehicles used to haul waste tires;

E. The location(s) to which waste tires are to be hauled, including name(s), address(es) and phone numbers of the receiving facility(ies);

F. The drivers license number of each driver or, in the case of persons regulated through the United States Department of Transportation (DOT), the number the DOT has issued to the applicant; and]

[G]2. Other information deemed necessary by the The **Missouri [d]Departments of Natural Resources and Transportation** to ascertain compliance with sections 260.200 through 260.345, RSMo and implementing rules.

[2]3. A nonreturnable [waste] **scrap** tire hauler permit fee in the amount of one hundred dollars (\$100) shall be submitted with the completed application form. The fee shall be in the form of a check or money order made payable to the Department of Natural Resources.

(B) Application Review, Approval and Denial. The **Missouri [d]Departments of Natural Resources and Transportation** shall review applications submitted under this rule. **The Missouri Department of Transportation** shall approve the application and issue a permit or shall deny the application. In the event that an application is denied, the **Missouri [d]Department of Transportation** shall issue a written report to the applicant stating the reason(s) for the denial.

(C) Permit Issuance, **Suspension** and Revocation. A [waste] **scrap** tire hauler permit issued pursuant to this rule shall remain valid for a period of one (1) year unless **suspended or** revoked by the **Missouri [d]Department of Transportation**. A [waste] **scrap** tire hauler permit may be revoked or suspended for noncompliance with the provisions of sections 260.200[—] through 260.345, RSMo or corresponding rules.

(D) A person who has, within the preceding twenty-four (24) months, been found guilty or pleaded guilty to a violation of section 260.270, RSMo which involves the transport of [waste] **scrap** tires may not be granted a permit to transport [waste] **scrap** tires unless the person seeking the permit has provided to the department a performance bond or letter of credit as provided under this subsection.

1. The bond or letter shall be conditioned upon faithful compliance with the terms and conditions of the permit and section 260.270, RSMo and shall be in the amount of ten thousand (\$10,000) dollars.

2. Such performance bond, placed on file with the department, shall be in one (1) of the following forms:

A. A performance bond, payable to the department and issued by an institution authorized to issue such bonds in this state; or

B. An irrevocable letter of credit issued in favor of and payable to the department from a commercial bank or savings and loan having an office in the state of Missouri.

3. Upon determination by the department that a person has violated the terms and conditions of the permit or section 260.270, RSMo, the department shall notify the person that the bond or letter of credit shall be forfeited and the moneys placed in an appropriate subaccount of the Solid Waste Management Fund, created under section 260.330, RSMo for remedial action.

4. The department shall expend whatever portion of the bond or letter of credit necessary to conduct resource recovery or nuisance abatement activities to alleviate any condition resulting from a violation of section 260.270, RSMo or the terms and conditions of a permit.

5. The requirement for a person to provide a performance bond or a letter of credit under this rule shall cease for that person after two (2) consecutive years in which the person has not been found guilty or pleaded guilty to a violation of section 260.270, RSMo.

(3) Operating Requirements.

(A) Recordkeeping.

1. During periods when a vehicle contains [waste] **scrap** tires, a [waste] **scrap** tire hauler shall maintain **the current permit inside** the vehicle [*the current permit*].

2. Record Keeping Requirements. A [waste] **scrap** tire hauler shall maintain tracking and summary reports as required by the department on forms provided by the department or on similar forms or in a similar format that has been preapproved by the department. The tracking report(s) shall be filled out for

each load delivered to an approved destination and shall include all applicable collection and receiver data. They shall be submitted to the Department of Natural Resources, Solid Waste Management Program, P.O. Box 176, Jefferson City, MO 65102 by the fifteenth of each month after the date the tires were delivered to their destination.

3. All records required by this rule shall be kept for at least three (3) years. The period of record retention extends upon the written request of the department or automatically during the course of any unresolved enforcement action regarding the regulated activity. The records shall be made available for inspection by the department or its designated representative upon request.

(B) Destination. A permitted [waste] **scrap** tire hauler shall transport [waste] **scrap** tires to—

1. A registered [waste] **scrap** tire end user provided that the end user is in compliance with all applicable state and federal laws and regulations;

2. A solid waste disposal area or transfer station [approved or] permitted by the department;

3. A solid waste processing or [waste] **scrap** tire processing facility permitted by the department;
[4. A waste tire site permitted by the department;]

[5.]4. A [waste] **scrap** tire collection center;

[6.]5. A permit-exempt facility, provided the [waste] **scrap** tires are stored and/or processed in compliance with 10 CSR [80-8.020(4)]**80-8.050(5)**; or

[7.]6. Out-of-state (provided that transport and the final destinations are in compliance with the requirements of that state).

(C) Mixed Loads. No tires shall be transported with other material on one vehicle if it could result in a hazardous combination likely to cause explosion, fire or release of a dangerous or toxic gas or in violation of any applicable state or federal law or regulation. **Scrap tires sorted from used tires shall not be stored in excess of seven (7) consecutive days.**

(D) Any person permitted as a [waste] **scrap** tire hauler shall notify the **Missouri [4] Department of Natural Resources, Scrap Tire Unit and Missouri Department of Transportation, Motor Carrier Service** within thirty (30) days of any change of address, phone number, type and number of vehicles, or destination of tires hauled. Registered or certified mail sent to a permitted hauler with proper postage and last known address that is returned unclaimed shall be considered adequate notification of notice served. Refusal to accept mail is a violation of these regulations.

*AUTHORITY: sections 260.225, 260.270 and 260.278, RSMo Supp. 1996. * Original rule filed Jan. 3, 1991, effective July 8, 1991. Amended: Filed March 17, 1992. ** Emergency rescission of the 1992 amendment filed March 19, 1997, effective April 1, 1997, expired Sept. 27, 1997. Rescission of the 1992 amendment filed April 3, 1997, effective Aug. 30, 1997. Amended: Filed April 16, 1997, effective Dec. 30, 1997.*

**Original authority: 260.225, RSMo 1972, amended 1975, 1986, 1988, 1990, 1993, 1995; 260.270, RSMo 1990, amended 1995; and 260.278, RSMo 1995.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivision more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.